



Home-Processed Foods and Farmers Markets

The Alabama Farmers Market Authority has been working with the Alabama Department of Public Health (ADPH) to allow the sale of home-processed foods at farmers markets. While ADPH does not directly regulate Farmers Markets, they do, however, have authority to regulate food establishments and food processors that may be operating within a farmers market. They also have authority to prohibit unpermitted food establishments and food processors from operating in the State. And, they have broad authority to prohibit the sale of processed foods that have not been processed in a permitted establishment.

FMA and ADPH agreed upon a proposed regulation change to exempt home kitchens that process certain foods for farmers markets from the definition of food establishments, thereby in effect establishing an exception to ADPH rules by allowing certain home-processed foods to be sold at farmers markets without any concern of intervention by ADPH.

The State Board of Health approved the amendment to Chapter 420-3-22-.01 of the Rules of Food Establishment Sanitation to clarify the definition of food establishment, specifically, what is exempted from regulation as a food establishment.

*Chapter 420-3-22-.01 now excludes a kitchen in a private home from the definition of food establishment if only food that is **not potentially hazardous** (time or temperature control required for safety) is prepared for sale or service at a function such as a charitable, religious, civic, or not-for-profit organization's food sale, or at a state sanctioned farmers markets, **and** if the consumer is informed by a clearly visible label, tag, or placard at the sales or service location that the food is prepared in a kitchen that is not inspected by a regulatory agency.*

*This exclusion shall **not** be construed as allowing the sale of low acid foods in a hermetically sealed containers (i.e. such as home-canned vegetables) when such food is not prepared in a permitted establishment. **Effective date is April 23, 2009.***

This effectively excludes farmers markets from regulatory requirements of the ADPH regarding non-potentially hazardous home processed foods. **Certain home processed foods**, for example baked breads, rolls, cookies, cakes, brownies, fudge, and double-crust fruit pies; traditional fruit jams, jellies, marmalades and relishes; candy; spices or herbs; snack items such as popcorn, caramel corn and peanut brittle, **may be sold at farmers markets with appropriate labeling.**

Home-processed vegetables **cannot** be sold at farmers markets unless prepared in a permitted establishment.